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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BETTER *et al.*

Appl. No. 09/610,838

Filed: July 6, 2000

For: **Fusion Proteins and
Polynucleotides Encoding Gelonin
Sequences**

Confirmation No.

Art Unit: 1648

Examiner: Salimi, A.

Atty. Docket: 0610.099000A/MAC/MJC

**Information Disclosure Statement and Fee
Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

09610838-070600

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

Attached is our Check No. 30911 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

In accordance with 37 C.F.R. § 1.98(A)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language document, Document No. AO1 cited on Form PTO-1449.

Document No. AO1, European Patent No. EP 0 192 002, is in the French language. The document relates to a method for the preparation of immunotoxin. An English language abstract is provided as Document No. AR33.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date: April 10, 2001

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